

REMARKS

Claims 1-20 are pending, including independent claims 1, 5, 10, 14, and 19. All claims have been rejected on the same basis as in the previous Office Action.

Applicants continue to disagree with the rejections and submit that the Examiner is ignoring important claim limitations.

Claims 1, 5, 6, and 9 are again rejected under 35 U.S.C. §103(a) as obvious over Nitadori in view of Montague.

Claim 1 recites an automatic method for communication among mobile units, which includes: acquiring information from another mobile unit through a physical network; registering a mobile unit as a member of a virtual logic network if the mobile unit satisfies a predetermined membership condition associated with the virtual logic network by referring to the acquired information of the mobile unit; monitoring at least one of the vehicle environment and a condition associated with a mobile unit for a predetermined event; and automatically selecting an appropriate virtual logic network according to a monitored event when the event takes place, selecting a communicating party from among the members of the selected virtual logic network, and communicating with the selected party.

As Applicants explained in their previous response, Nitadori does not “register a mobile unit as a member of a virtual logic network if the mobile unit satisfies a predetermined membership condition associated with the virtual logic network by referring to the acquired information of the mobile unit”, as claimed. The passages in Nitadori cited by the Examiner for support are the same as before and still are not applicable as explained in detail in Applicants’ previous response. The Examiner’s only reply on this point (at p. 3 of the present Office Action) is to argue in conclusory fashion that this limitation *must* exist in Nitadori “because how else would the prior art distinguish network(s) and sub-networks using routing protocols used in an ordinary computer network (see col. 6, lines 40-41).” However, this additional cite only refers to the use of “the routing protocol used in an ordinary computer network.” Again, none of the Examiner’s cites in Nitadori describes or suggests acquiring information from another mobile unit, referring to that acquired information to see if it satisfies a predetermined membership condition associated with a virtual logic network, and--if the

membership condition is satisfied--registering the other mobile unit as a member of the relevant virtual logic network. The Examiner simply has failed to identify where Nitadori allegedly discloses each of these features. Instead, the Examiner appears to be arguing that the claimed structure and operation is necessary or inherent in Nitadori. This is an incorrect assumption, since there plainly are other ways to form the sub-network in Nitadori, such as by pre-registering all network nodes, registering nodes by other than the mobile unit, registering nodes not by information acquired from the nodes to be registered, or not registering nodes according to a predetermined membership condition.

Applicants also explained that Nitadori does not teach "monitoring at least one of the vehicle environment and a condition associated with a mobile unit for a predetermined event" as claimed. Applicants had amended the claim to specify the vehicle environment to distinguish a network environment that the Examiner used as an example. Nevertheless, in the present Office Action (at p. 8), the Examiner continues to argue about a network environment and relies on the same citations in Nitadori as before, and the Examiner has not addressed Applicants' amendment and argument which overcome the rejection. Even under the Examiner's interpretation that the monitored event can be a change in the network environment, however, Nitadori does not describe how this event would cause communication with one member of a selected virtual logic network, as recited in the subsequent claim limitation.

Namely, Applicants also explained that Nitadori does not teach "automatically selecting an appropriate virtual logic network according to a monitored event when the event takes place, selecting a communicating party from among the members of the selected virtual logic network, and communicating with the selected party" as claimed. However, the passages cited by the Examiner for support are the same as before, and the Examiner does not address Applicants' argument that Nitadori does not select an appropriate virtual logic network according to a monitored event when the event takes place, but rather the sender finds the identifier of an intended party by using a directory service or the like.

Likewise, the passage in Montague cited by the Examiner (¶ 26) describes automatically notifying a central facility to dispatch assistance to a vehicle but does not

describe the selection of a virtual logic network according to a monitored event and the selection of a communicating party from among members of that network.

The Examiner's only reply (at pp. 3-4 of the Office Action) to this argument of Applicants is to recite some law on obviousness and incorrectly reduce Applicants' asserted distinction to the word "automatically." Applicants did not amend its claims in the previous response to add the word "automatically", and Applicants did not limit its arguments to that word as the Examiner asserts. To the contrary, and as the Examiner quoted at p. 3 of the Office Action, Applicants explained that the entire claim limitation is absent in Nitadori and Montague. The Examiner simply failed to address this point as well.

Independent claim 5 contains limitations corresponding to the limitations identified above in claim 1 and is patentable for at least the same reasons.

Claims 2-4, 7-8, and 10-18 are again rejected as obvious over Nitadori, Montague and Himmelstein. Regarding independent claims 10 and 14, the Examiner applies Nitadori and Montague in the same way as against claims 1 and 5. However, independent claims 10 and 14 contain limitations corresponding to the limitations identified above in claim 1 and are patentable for at least the same reasons. Himmelstein again is only cited to show the use of communication apparatuses mounted in vehicles and does not cure the deficiencies of Nitadori and Montague.

Finally, the Examiner maintained his previous rejection of claims 19 and 20 as obvious over Himmelstein in view of Naboulsi. Applicants had previously made two primary arguments. First, Himmelstein does not teach "an importance level determiner for determining an importance level regarding the necessity for communication with another mobile unit on the basis of the condition" as claimed. The passages cited by the Examiner (col. 4, ll. 48-67; col. 5, ll. 32-38; and col. 14, l. 62) describe a priority field of a communication packet, and do not teach "determining an importance level regarding the necessity for communication with another mobile unit on the basis of the condition."

Second, Himmelstein does not teach "an information-to-be-sent decider for deciding on information to be sent on the basis of the importance level when it is determined necessary to communicate with another mobile unit." The support cited by


the Examiner (microprocessor 40; Fig. 2; col. 3, ll. 28-67) describes functions of the microprocessor 40 but does not teach "deciding on information to be sent on the basis of the importance level."

In the present Office Action, the Examiner only addresses Applicants' first argument and not the second argument. Even so, the Examiner's reply (at p. 4 of the Office Action) only asserts that Himmelstein includes a priority field 62 that is an indicator of urgency. Himmelstein still does not describe a component such as Applicants' claimed "importance level determines" (1) that determines an importance level, (2) regarding the necessity for communication with another mobile unit, (3) on the basis of the condition of a driver.

In summary, Applicants submit that the pending Office Action fails to consider all claim limitations and Applicants' dispositive arguments. For the reasons explained above, Applicants submit that the present claims patentably distinguish over the cited art and request reconsideration and allowance of this application.

If the Examiner believes the application still is not in condition for allowance, Applicants request a telephone interview with the Examiner to discuss any remaining issues.

Respectfully submitted,


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